

REMARKS

The above Amendment and these Remarks are in response to the Office Action mailed October 15, 2008. Claims 1-30 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-30. The present response amends claims 1, 9, 15, and 21, leaving for the Examiner's present consideration claims 1-30. Reconsideration of the rejections is respectfully requested.

I. Claim Objections – 35 USC § 102 & 35 USC § 103

Claims 1-2, 4-6, 21 and 23-25 and 28 are rejected under 35 USC 102(e) as being anticipated by Kemper, *et al.*, U.S. Patent No. 6,804,682.

Claims 3, 8-12, 14-18, 20, 22 and 27 are rejected under 35 USC 103(a) as being unpatentable over Kemper, *et al.* U.S. Patent No. 6,804,682 in view of Chan *et al.*, U.S. Patent Publication No. 2003/0028364).

Claims 7 and 26 are rejected under 35 USC 103(a) as being unpatentable over Kemper, *et al.* U.S. Patent No. 6,804,682 in view of Timbol (US 6,237,135).

Claims 13 and 19 are rejected under 35 USC 103(a) as being unpatentable over Kemper, *et al.* U.S. Patent No. 6,804,682 and Chan *et al.* (US 2003/0028364) in view of Timbol (US 6,237,135).

Claim 1

Claim 1 has been amended to include the feature of maintaining a data structure to represent the state of a logical hierarchy of resources associated with a plurality applications deployed on a web server.

On the other hand, Kemper provides a method of managing resources for a single software application (Abstract; Figure 4; Column 9, Lines 48-50).

Applicant respectfully submits that representing the state of a logical hierarchy of resources associated with a plurality of applications deployed on a web server is different from managing resources for a single software application.

In view of the above comments, Applicant respectfully submits that Claim 1, as amended, is neither anticipated by, nor obvious in view of Kemper and other cited references. Reconsideration thereof is respectfully requested.

Claims 9, 15 and 21

Claims 9, 15 and 21, while independently patentable, recite limitations that similarly to Claim 1 are not disclosed nor rendered obvious by the cited references. Reconsideration thereof is respectfully requested.

Claims 2-8, 10-14, 16-20 and 22-30

Claims 2-8, 10-14, 16-20 and 22-30 are not addressed separately, but it is respectfully submitted that these claims are allowable as depending from an allowable independent claim, and further in view of the comments provided above.

It is also submitted that these claims also add their own limitations which render them patentable in their own right. Applicant respectfully reserves the right to argue these limitations should it become necessary in the future.

II. Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting the issuance of a patent.

Application No.: 10/772,613
Reply to Office Action dated: October 15, 2008
Reply dated: December 15, 2008

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: December 15, 2008

By: /Kuiran (Ted) Liu/
Kuiran (Ted) Liu
Reg. No. 60,039

Customer No. 23910
FLEISLER MEYER LLP
650 California Street, Fourteenth Floor
San Francisco, California 94108
Telephone: (415) 362-3800